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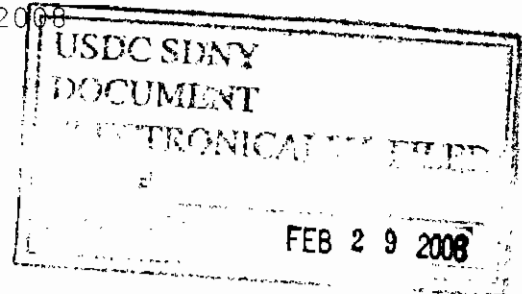
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February 26, 2008



**BY U.S. MAIL AND FACSIMILE**

The Honorable Laura T. Swain  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 755  
New York, NY 10007

**MEMO ENCL 30**

Re: In re One Communications Corp.,  
07 Civ. 3905 & 07 Civ. 5440 (LTS) (AJP)

Your Honor:

Plaintiff One Communications Corp. writes to request leave to file a 40 page surreply.

Defendants have collectively filed 213 pages of briefs. Defendant Megunticook's reply contains several lengthy 10-point footnotes that violate the Court's Individual Practices Rule 2[H], requiring all text to be 12 point font. By contrast, Plaintiff has filed a 100 page opposition brief and Verizon has filed 25 pages.

The replies raise for the first time new (albeit erroneous) issues including but not limited to: J.P. Morgan's claim that Stephen Oppenheimer did not represent J.P. Morgan in connection with negotiating the sale of Morgan's interest in Lightship and citation to clauses of the Merger Agreement that Defendants claim exculpate individuals and the entities they represent from fraud despite the mandatory reach of the Securities and Exchange Act. In addition, Megunticook's reply contains a lengthy discussion not in its prior submission regarding its claim that it is not a party to the contractual indemnification provision of the Merger Agreement.

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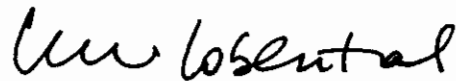
We would like to address the Supreme Court's decision in Stoneridge Investment Partners, LLC v. Scientific-Atlanta, Inc., 128 S. Ct. 761 (2008).

Given the numerous and complex securities and jurisdictional issues raised by Defendants, Plaintiff requests leave to file a 40 page surreply within 30 calendar days of the Court's ruling on this request.

Declaratory Judgment Defendant/Counterclaim Plaintiff Verizon does not oppose the instant request. All other Defendants oppose the instant request.

On another subject, all parties request oral argument and await the Court's scheduling. I also wish to confirm the Court's prior adjournment of the initial conference sine die pursuant to the Consolidation Order.

Respectfully,

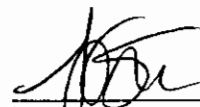


Nicholas W. Lobenthal

cc: Mark S. Resnick, Esq.  
(By E-Mail)  
Attached Distribution  
(By E-Mail)

Plaintiff is granted leave to file a surreply of up to three pages in length addressing the Stoneridge Investment Partners decision. The surreply shall be served and filed (with a courtesy copy) by March 12, 2008. The court will inform the parties if any further briefing or oral argument is necessary.

SO ORDERED.



2/29/2008  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

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